

DELAWARE PROFESSIONAL STANDARDS BOARD

The Townsend Building
401 Federal Street, Suite 2
Dover, Delaware 19901

Meeting Minutes

Department of Education
Cabinet Room
Dover, DE 19904
July 6, 2017
2:00 P.M.

Members Present: Gerald Allen, Jennifer Burton, Nelia Dolan, Terri Eros, David Kohan, Fran O'Malley, Byron Murphy, Darlene O'Neill, Mary Pinkston, Stephanie Smith, and Sue Smith.

Members Absent: Diane Albanese, Amber Augustus, Stephanie DeWitt, Darren Guido, and Sandra Hall

Others Present: Chris Kenton, PSB Executive Director; Laura Makransky, Deputy Attorney General, representing the PSB; Rick Lane, PSB Administrative Assistant; Chip Simpson, DOE; Donna Johnson, SBE; Valerie Dunkle, Deputy Attorney General, representing the DOE in PSB File No. 2016-06; Wendy Modzelewski, DOE; Rhonda West, DOE

I. Opening

A. **Call to Order:** Byron Murphy called the meeting to order at 2:07 p.m.

B. **Roll Call**

Rick Lane conducted roll call for the meeting with 11 members present (Allen, Burton, Dolan, Eros, Kohan, O'Malley, Murphy, O'Neill, Pinkston, Smith and Smith).

C. **Approval of Agenda**

A motion was made by Darlene O'Neill and seconded by Jennifer Burton to approve the July 6, 2017 agenda. *The motion carried* (11 Yes to 0 No's – Allen, Burton, Dolan, Eros, Kohan, O'Malley, Murphy, O'Neill, Pinkston, Smith and Smith).

D. **Approval of Minutes for May 4, 2017**

Due to an insufficient number of members in attendance, the Board did not take any action to approve the minutes for its May 4, 2017 meeting. A draft of the minutes will be posted online. Approval of the minutes will be added to a future agenda.

II. Public Comment

None

III. Executive Director's Report

Mr. Kenton reported that he:

Presented to the State Board of Education

- Regulation 1507 – Alternative Routes to Teacher Licensure and Certification Program – For Discussion
- Regulation 1510 – Issuance of Provisional and Initial Licenses – For Discussion
- With the passage of HB143 however, both of these regulations will need to go back to the LCCC for further changes.
- Held several meetings with various stakeholders regarding HB143.
- Worked with the Governor’s Office to get three new PSB members appointed and confirmed.
- Met with Wendy Modzelewski from the Licensure and Certification Office to go over pending regulations.
- Held a conference call with Lisa Hedrick from ETS.
- Met with Secretary Bunting to update the Department on PSB action.
- Presented to DASPA (H.R. Director’s).
- Met with various stakeholders regarding Alternative Routes, to discuss potential change to Code that would impact 1507.
- Met with Alyssa Moore, new PDAC Chair to go over PDAC agenda.
- Helped the State Board of Education interview for their new Administrative Assistant position.
- Attended the annual NASDTEC Conference in New Orleans and was elected to a national office for PESBA.
- Met with Byron Murphy to go over the July agenda.
- Professional Development and Associated Compensation Committee met on 6/13
- Licensure and Certification Criteria Committee was scheduled to meet on 6/19

IV. **Presentation**

None

V. **Action Items**

A. License Revocation Decision PSB File No. 2016-06

A motion to not consider the Department’s untimely written exceptions to the hearing officer’s proposed order in PSB File No. 2016-06 was made by Nelia Dolan and seconded by Gerald Allen. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith and Smith).

A motion to move into executive session for the purpose of discussing the content of documents excluded from the definition of “public record” in 29 *Del. C.* § 10002 was made by David Kohan and seconded by Jennifer Burton. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith and Smith).

The Board entered executive session to deliberate upon the matter. DAG Dunkle and Mr. Simpson remained in the room during the Board’s deliberations.

A motion to return to open session was made by Sue Smith and seconded by Nelia Dolan. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith and Smith).

A motion to adopt the hearing officer’s recommended findings of fact and conclusions of law except as to the proposed discipline and to impose a four year suspension of license with three limitations instead was made by Jennifer Burton and seconded by Gerald Allen. ***The motion failed to carry*** (9 Yes– Allen, Burton, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, and Dr. Smith to 2 No – Dolan, Ms. Smith).

A motion to move into executive session for the purpose of discussing the content of documents excluded from the definition of “public record” in 29 Del. C. § 10002 was made by Jennifer Burton and seconded by Terri Eros. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith and Smith).

The Board entered executive session to continue to deliberate upon the matter . DAG Dunkle and Mr. Simpson remained in the room during the Board’s deliberations.

A motion to return to open session was made by Mary Pinkston and seconded by David Kohan. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith and Smith).

A motion to adopt the hearing officer’s recommended findings of fact and two conclusions of law except as to the proposed discipline and to impose a four year suspension with three limitations instead was made by Darlene O’Neill and seconded by Gerald Allen. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith and Smith).

B. 1505 Standard Certificate (for Publication)

Chris Kenton and Wendy Modzelewski presented changes to Regulation 1505 Standard Certificate. The Board reviewed and discussed the proposed changes.

A motion to approve the regulation for publication as presented with two additional changes was made by Sue Smith and seconded by Darlene O’Neill. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

C. 1553 Driver Education and Traffic Safety Education Teacher (for Publication)

Chris Kenton presented changes to Regulation 1553 Driver Education and Traffic Safety Education Teacher, including an additional optional area of professional development as suggested by Mike Wagner, the DOE coordinator for Drivers’ Education. The Board reviewed and discussed the proposed changes.

A motion to approve the regulation for publication as presented was made by Sue Smith and seconded by Terri Eros. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

D. 1502 Graduate Level Salary Increments (for Publication to repeal)

Chris Kenton and Shannon Holston presented Regulation 1502 Graduate Level Salary Increments for repeal as it was determined that the PSB does not have the authority to dictate compensation. Standard Certificate. The Board reviewed and discussed the proposal.

A motion to approve the regulation for publication to repeal was made by Fran O’Malley and seconded by Sue Smith. ***The motion carried*** (10 Yes to 0 No’s – Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith; Gerald Allen was not present to vote).

E. 1520 Early Childhood Teacher (for Publication)

Chris Kenton presented changes to Regulation 1520 Early Childhood Teacher, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding “Professional” and “of Education” to the proposed definition of “Passing Score.”

A motion to approve the regulation for publication as presented with two additional changes was made by Jennifer Burton and seconded by Nelia Dolan. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

F. 1531 Middle Level English Language Arts Teacher (for Publication)

Chris Kenton presented changes to Regulation 1531 Middle Level English Language Arts Teacher, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding “Professional” and “of Education” to the proposed definition of “Passing Score.”

A motion to approve the regulation for publication as presented with two additional changes was made by Fran O’Malley and seconded by Terri Eros. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

G. 1532 Middle Level Mathematics Teacher (for Publication)

Chris Kenton presented changes to Regulation 1532 Middle Level Mathematics Teacher, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding “Professional” and “of Education” to the proposed definition of “Passing Score.”

A motion to approve the regulation for publication as presented with two additional changes was made by Sue Smith and seconded by David Kohan. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

H. 1533 Middle Level Science Teacher (for Publication)

Chris Kenton presented changes to Regulation 1533 Middle Level Science Teacher, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding “Professional” and “of Education” to the proposed definition of “Passing Score.”

A motion to approve the regulation for publication as presented with two additional changes was made by Nelia Dolan and seconded by Sue Smith. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

I. 1534 Middle Level Social Studies Teacher (for Publication)

Chris Kenton presented changes to Regulation 1534 Middle Level Social Studies Teacher, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding “Professional” and “of Education” to the proposed definition of “Passing Score.”

A motion to approve the regulation for publication as presented with two additional changes was made by Fran O’Malley and seconded by Sue Smith. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

J. 1539 Health Education Teacher (for Publication)

Chris Kenton presented changes to Regulation 1539 Health Education Teacher, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding “Professional” and “of Education” to the proposed definition of “Passing Score.”

A motion to approve the regulation for publication as presented with two additional changes was made by Mary Pinkston and seconded by Sue Smith. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

K. 1540 Secondary English Language Arts Teacher (for Publication)

Chris Kenton presented changes to Regulation 1540 Secondary English Language Arts Teacher, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding “Professional” and “of Education” to the proposed definition of “Passing Score.”

A motion to approve the regulation for publication as presented with two additional changes was made by Nelia Dolan and seconded by Sue Smith. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

L. 1542 Secondary Mathematics Teacher (for Publication)

Chris Kenton presented changes to Regulation 1542 Secondary Mathematics Teacher, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding “Professional” and “of Education” to the proposed definition of “Passing Score.”

A motion to approve the regulation for publication as presented with two additional changes was made by Terri Eros and seconded by Gerald Allen. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

M. 1544 Secondary Social Studies Teacher (for Publication)

Chris Kenton presented changes to Regulation 1544 Secondary Social Studies Teacher, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding “Professional” and “of Education” to the proposed definition of “Passing Score.”

A motion to approve the regulation for publication as presented with two additional changes was made by Gerald Allen and seconded by Sue Smith. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

N. 1550 Agriscience Teacher (for Publication)

Chris Kenton presented changes to Regulation 1550 Agriscience Teacher, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding “Professional” and “of Education” to the proposed definition of “Passing Score.”

A motion to approve the regulation for publication as presented with two additional changes was made by Darlene O'Neill and seconded by Terri Eros. ***The motion carried*** (11 Yes to 0 No's – Allen, Burton, Dolan, Eros, Kohan, O'Malley, Murphy, O'Neill, Pinkston, Smith, and Smith).

O. 1551 Business Education Teacher (for Publication)

Chris Kenton presented changes to Regulation 1551 Business Education Teacher, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding "Professional" and "of Education" to the proposed definition of "Passing Score."

A motion to approve the regulation for publication as presented with two additional changes was made by Fran O'Malley and seconded by Sue Smith. ***The motion carried*** (11 Yes to 0 No's – Allen, Burton, Dolan, Eros, Kohan, O'Malley, Murphy, O'Neill, Pinkston, Smith, and Smith).

P. 1554 Family and Consumer Sciences Teacher (for Publication)

Chris Kenton presented changes to Regulation 1554 Family and Consumer Sciences Teacher, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding "Professional" and "of Education" to the proposed definition of "Passing Score."

A motion to approve the regulation for publication as presented with two additional changes was made by Nelia Dolan and seconded by Jennifer Burton. ***The motion carried*** (11 Yes to 0 No's – Allen, Burton, Dolan, Eros, Kohan, O'Malley, Murphy, O'Neill, Pinkston, Smith, and Smith).

Q. 1555 Marketing Education Teacher (for Publication)

Chris Kenton presented changes to Regulation 1555 Marketing Education Teacher, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding "Professional" and "of Education" to the proposed definition of "Passing Score."

A motion to approve the regulation for publication as presented with two additional changes was made by Jennifer Burton and seconded by Gerald Allen. ***The motion carried*** (11 Yes to 0 No's – Allen, Burton, Dolan, Eros, Kohan, O'Malley, Murphy, O'Neill, Pinkston, Smith, and Smith).

R. 1557 Technology Education Teacher (for Publication)

Chris Kenton presented changes to Regulation 1557 Technology Education Teacher, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding "Professional" and "of Education" to the proposed definition of "Passing Score."

A motion to approve the regulation for publication as presented with two additional changes was made by Darlene O'Neill and seconded by David Kohan. ***The motion carried*** (11 Yes to 0 No's – Allen, Burton, Dolan, Eros, Kohan, O'Malley, Murphy, O'Neill, Pinkston, Smith, and Smith).

S. 1562 Teacher of English Learners (for Publication)

Chris Kenton presented changes to Regulation 1562 Teacher of English Learners, which specify the required examination of content knowledge and passing score to obtain this standard certificate. The Board reviewed and discussed the proposed changes. The Board discussed adding “Professional” and “of Education” to the proposed definition of “Passing Score.”

A motion to approve the regulation for publication as presented with two additional changes was made by Jennifer Burton and seconded by Sue Smith. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

T. LCCC & PDACC Committee Membership and Charges

The Board discussed the makeup of the LCCC and PDACC. The Board reviewed and discussed revisions to the committee’s charges.

A motion to approve the revised committee charge for the LCCC with the removal of references to ‘provisional license’ was made by Darlene O’Neill and seconded by Terri Eros. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

A motion to approve the revised committee charge for the PDACC was made by Fran O’Malley and seconded by Terri Eros. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

U. Hearing Officer Position Description and Applicant Resume

Chris Kenton presented the Hearing Officer Position Description. The Board reviewed and discussed the proposed Position Description.

A motion to approve the Position Description as presented with the change of the opening date being changed to this approval date (7/6/17) was made by David Kohan and seconded by Sue Smith. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

A motion to move into executive session for the purpose of discussing an individual’s qualifications to hold a job was made by Jennifer Burton and seconded by Nelia Dolan. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith and Smith).

The Board entered Executive Session and the meeting was closed to the public.

A motion to return to open session was made by Sue Smith and seconded by Terri Eros. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith and Smith).

A motion to table discussion of the applicant resume for Hearing Officer was made by Sue Smith and seconded by Jennifer Burton. ***The motion carried*** (11 Yes to 0 No’s – Allen, Burton, Dolan, Eros, Kohan, O’Malley, Murphy, O’Neill, Pinkston, Smith, and Smith).

VI. Discussion Items

None

VII. PSB Standing Committees

A. Licensure & Certification Criteria Committee

- Chris Kenton provided the Board with an update. The next meeting is scheduled for July 17, 2017 at 1:00 p.m. in the Cabinet Room at the Townsend Building.

B. Professional Development and Associated Compensation Criteria Committee

- Chris Kenton provided the Board with an update. The next meeting is scheduled for July 11, 2017 at 1:00 p.m. in the Cabinet Room at the Townsend Building.

VIII. Other

A. Professional Standards Board Meeting Schedule 2017-2018

A motion to approve the 2017-2018 meeting calendar as amended, changing the December and January meeting times to 5:00 p.m., was made by Nelia Dolan and seconded by Gerald Allen. *The motion carried* (11 Yes to 0 No's – Allen, Burton, Dolan, Eros, Kohan, O'Malley, Murphy, O'Neill, Pinkston, Smith and Smith).

B. License Disciplinary Action Update – PSB File No. 2017-01

The Board was advised that a petition for hearing was received from the educator in PSB File No. 2017-01 and Dr. Lewis Atkinson has been assigned as the hearing officer for the case.

IX. Public Comment

None

X. Adjournment

A motion to adjourn was made by Gerald Allen and seconded by Nelia Dolan. *The motion carried* (11 Yes to 0 No's – Allen, Burton, Dolan, Eros, Kohan, O'Malley, Murphy, O'Neill, Pinkston, Smith and Smith). The meeting adjourned at 5:05 p.m.